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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,585	07/09/2003	Richard Doil Lane	030237	1296
23696	7590	07/14/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			NGUYEN, SIMON	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/616,585	LANE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SIMON D NGUYEN	2685	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☒ Claim(s) 1, 11 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. The term "substantially" in claims 1, 11, and 28 is a relative term which renders the claim indefinite. The term "substantially" does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-2, 8-9, 11-21, 26, 28-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Shimakawa et al. (6,452,644).

Regarding claim 1, Shimakawa discloses a mobile data receiver (wirelessly receiver) for receiving a multimedia stream (multi-broadcast program such as for example, weather forecasts, news, stock prices) wherein the multimedia stream having data information including index information related to data (abstract, fig.1), comprising: index data including an index blocks indicating times associated with each program information (figs.1-2, column 3 lines 25-32); and at a communication level (communication time), using information in the index blocks to cause the mobile

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receiver to be energized substantially only during times associated with a desired program (desired type of information) and index blocks (abstract, column 2 lines 11-49, column 4 lines 45-64). It should be noted that since Shimakawa discloses a multi-broadcast carrier for example, weather forecast, news, stocks (abstract), which means there are at least first and second programs.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 1, wherein the receiver displaying the programs (abstract, column 6 line 61) and wherein Shimakawa discloses that the receiver is a FM receiver with sound signals which means the receiver is an analog receiver (column 3 lines 56-69).

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 1, wherein Shimakawa discloses a transmitting system (a broadcaster) (column 6 line 27-29).

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 1.

Regarding claims 2, 29 Shimakawa discloses an FM receiver (column 3 lines 56-69), which means an analog receiver.

Regarding claims 8, 26, Shimakawa further discloses the program information pertains to video layer in a program (column 6 line 56 to column 7 line 12).

Regarding claim 9, Shimakawa disclose the wireless receiver to be energized only during times associated with a desired program (abstract, column 2 lines 27-49, column 4 lines 45-64).

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Regarding claims 12-13, Shimakawa further discloses a demodulator and a decoder for decoding a bit stream (column 4 lines 1-46).

Regarding claims 14-18, Shimakawa further discloses an offset with respect to the reception time (column 6 lines 53-55) and a control circuit in the form of a microprocessor for controlling the analog receiver including the offset (column 6 lines 56-65).

Regarding claim 21, Shimakawa discloses the timing blocks are the first blocks of program frames (column 3 lines 42-50).

Regarding claims 19, 30, Shimakawa discloses the control unit (55) for controlling demodulator, decoder, program guide ...etc., wherein the control circuit controls the timing in a sleep mode when the receiver does not has data to receive and a wake mode when the receiver receives data (column 4 lines 45-64, column 6 line 38 column 7 line 12), which means the control unit implemented as a state machine.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-7, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimakawa (6,658,231) in view of Lindskog et al. (6,622,251).

Regarding claims 3-6, Shimakawa discloses the index blocks are program frames indicating a time for the program (fig.1, 2), and data is transmitted in frames each frame consists of total 9232 bits including control bits and data bits which will be counted, for example, the first program will count from 1 to 9232 bits and a second program will be counted again from 1 to 9232, and etc.. (figs.1-4, column 1 lines 47-64, column 3 lines 36-50, column 6 lines 38-55). However, Shimakawa does not specifically disclose the index blocks are the first blocks of individual program.

Lindskog discloses an index blocks are the first blocks of individual program frame indicating a time for the first program frame of data chunk (receiving data) and the next N data chunks (figs.8-9, column 10 line 7 to column 11line 7, column 13 line 52 to column 14 line 22). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Shimakawa, modified by Lindskog in order to conserve power for receivers that have no data to receive.

Regarding claims 7, 25, Shimakawa discloses the program information pertains to resolution divisions (desired categories or programs) and temporal divisions in a program (relating to time) (column 5 lines 13-40). However, Shimakawa does not specifically disclose pertains to quality divisions of the programs.

Lindskog, in the same field of invention, discloses the broadcast program pertains of quality divisions in a program (column 9 lines 32-37) and resolution divisions (dividing according to a service class) and temporal divisions (relating wakeup at different times) (column 9 line 8-57). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Shimakawa, modified by

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Lindskog to divide the receivers into groups in accordance with the quality of the service in order to save power for any mobile receivers that do not receive the transmitting data.

Regarding claims 22-24, Shimakawa discloses multiple-broadcast programs transmitting in frames (fig.1), which means to transmit via a plurality of consecutive frames. However, Shimakawa does not specifically disclose so.

Lindskog discloses a plurality of consecutive frame to be transmitted which indicated times for next frames(figs.8-9). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Shimakawa, modified by Lindskog to wake up for receiving the broadcast and go to sleep when there are no broadcast to receive in order to save power.

6. Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimakawa (6,658,231) in view of Wey et al. (6,098,100).

Regarding claims 10 and 27, Shimakawa fails to disclose a back pointer.

Wey discloses index blocks in frames having back pointers (column 1 lines 52, 60, column 2 lines 53-57). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Shimakawa, modified by Wey in order to enable a wireless receiver to detect the destination address stream in the event that the synchronization stream was immediately preceded by one or more data bytes.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-

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7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

600 Dulany, Alexandria, VA 22314

Or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Hand-delivered response should be brought to Knox building,

501 Dulany, Alexandria, VA.

Simon Nguyen

June 28, 2005

**SIMON NGUYEN  
PRIMARY EXAMINER**

*Simon Nguyen*